IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS AND OPERATING
ENGINEERS 520 PENSION FUND, et al.,,

Plaintiffs,

v.

AURA CONTRACTING, LLC,

Defendant.   **No. 10-0753-DRH**

ORDER

HERNDON, Chief Judge:

Now before the Court is Plaintiffs' December 1, 2010 motion for summary judgment (Doc. 10). Specifically, Plaintiffs move for judgment in their favor in the amount of $66,334.48, which consists of $60,304.07 in delinquent contributions and $6,030.41 in liquidated damages for unpaid contributions for the months of May, June, July and August of 2010. On January 4, 2011, Magistrate Judge Frazier issued an Order reserving ruling on Defendant's motion to withdraw counsel and notifying Defendant that if substitute counsel does not appear by January 26, 2011 the motion to withdraw will be granted and judgment will be entered in favor of Plaintiffs for the sum requested in the motion for summary judgment (Doc. 14). Thereafter, on February 2, 2011, Magistrate Judge Frazier granted the motion to withdraw counsel (Doc. 15). As of today's date, Defendant has neither had substitute counsel enter an appearance nor responded to the motion for

summary judgment. Pursuant to **Local Rule 7.1(c)**, the Court considers the failure to respond as an admission of the merits of the motion for summary judgment.[1] Accordingly, the Court **GRANTS** the motion. The Court finds in favor of Plaintiffs and against Defendant Aura Contracting, LLC in the amount of $66,334.48, plus attorneys' fees and court costs. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

      IT IS SO ORDERED.

      Signed this 22nd day of February, 2011.

David R. Herndon
2011.02.22 15:17:20
-06'00'

Chief Judge
United States District Court

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[1]**Local Rule 7.1(c)** provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."